

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 18TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR JUSTICE A.J. SADASHIVA

WRIT PETITION NO.17059/1997

BETWEEN:

Sri.Moula S/o Allabhaksh Parthanalli,
aged about 45 years,
Occ: Agriculture,
resident of Kundhunnur Road,
Farm House, Jamkhandi,
Bijapur District.

... PETITIONER

[By Sri.M.B. Naragund, adv.for petitioner]

AND:

1. The Special Deputy Commissioner,
and Land Acquisition & Rehabilitation
Officer, U.K.P. Jamkhandi.
2. The Group Manager, U.K.P.,
Jamkhandi, Bijapur District.
3. The Executive Engineer,
U.K.P. Jamkhandi,
Bijapur District.

... RESPONDENTS

[By Sri.K.H. Jagadish, HCGP for Respondents]

This Memorandum of Writ Petition is filed under Articles 226 and 227 of the Constitution of India, praying to quash the notification vide Annexure-D bearing No.LAQ;CR:2:97-98 dated 24.4.97; and to quash the final notification under section 6[1] read with Article 17 of Land Acquisition Act No.RD.LA.KR.26/97-98-92 dated 25.8.97 vide Annexure-J.

The petition coming on for hearing this day, the court made the following order:

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ORDER

While dismissing the writ petitions 27635-644/1996 by order dated October 3, 1996, this court observed as follows:-

"Learned Counsel appearing for the petitioners submitted that the petitioners have already constructed residential buildings and are residing therein. If that is so, the authorities may take into consideration the said fact and shall allot the said area in favour of the land owners while taking possession of the said buildings pursuant to the notifications issued under the Act. Till then the authorities shall not take any steps to demolish or dispossess the petitioners."

2. For the reasons aforesaid and for the reasons recorded by this court in W.P.27635-644/1996, these petitions are dismissed reserving liberty to the petitioners to approach the authorities concerned in which event the authorities to act in accordance with the observations made in the aforesaid petitions. It is ordered accordingly.

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3. In the circumstances of the case, there is no order as to costs.

4. Sri.K.H. Jagadish, learned HCGA is permitted to file memo of appearance within four weeks.

Sd/-
JUDGE

sub/



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